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ABSTRACT

Discussions summarized in this report focused on the relationships between individual libraries and the bibliographic utilities, as well as the options available to the library and information communities for preparing, sharing, and gaining access to machine-readable records. Issues discussed fall into three categories: (1) ownership and distribution of bibliographic data, (2) relationships among members of the total information community, and (3) flow of bibliographic data at the international level. Highlights of group discussions and pertinent recommendations are presented. (FM)

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OWNERSHIP AND DISTRIBUTION OF BIBLIOGRAHPIC DATA:

Highlights of a Meeting Held by the
Library of Congress Network Advisory Committee
March 4-5, 1980

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FOREWORD

This paper presents the highlights of the Network Advisory Committee's meeting on the ownership and distribution of bibliographic data, held in Washington, D.C., on March 4-5, 1980, and is being issued as a working document to elicit comments from the library and information service communities. Public hearings to be held in conjunction with the midwinter and annual conferences of the American Library Association (February 1981, Washington, D.C., and June 1981, San Francisco) will be organized by the Network Advisory Committee to give a presentation of the principal issues involved and to allow the profession to express their opinions.

In reviewing this document, the following points should be considered:

- Do you agree with the conclusions reached by the Network Advisory Committee?

- If yes, do you have any suggestions as to how a fair mechanism for shared access to machine-readable bibliographic data can be developed?

The antecedents of this session go back to the September 25, 1979 meeting, when the Network Advisory Committee decided it would undertake at its next meeting a discussion of the legal, political, and economic implications concerning the exchange and sharing of bibliogrpahic data in machine-readable form among operating entities with the goal of exploring alternatives toward advancing the flow of biblioghpic data. A planning subcommittee was appointed to develop the program for this session.

The subcommitte, which was chaired by Richard Dougherty of the University of Michigan Libraries (representing the Association of Research Libraries), consisted of the following members: Lee Handley, Southeastern Library Network; Barbara Markuson of the Indiana Cooperative Library Services Authority (representing the Council for Computerized Library Networks); Lynne Neufeld, National Federation of Abstracting and Indexing Services; Alphonse Trezza, National Commission of Libraries and Information Science; and Robert Willard, Information Industry Association. The subccmmittee decided that because of the complexities of the issues involved and the lack of a common base of knowledge among the members of the advisory committee itself, it would be useful to structure the program to achieve a common understanding of the problem.

The subcommittee subsequently requested ideas and suggestions from the members of the advisory committee on the issues related to ownership and distribution of bibliographic data. The responses were synthesized and distributed to the members before the meeting to enable them to reflect on those issues which were pertinent to their own constitutencies. The subcommitte also obtained the services

of Duane E. Webster, Director of the Office of Management Studies, Association of Research Libraries, to act as the facilitator for the meeting. The support of the Council on Library Resources, which provided funding for many of the expenses of this meeting, is gratefully acknowledged.

It should be noted that this forum was the first attempt to resolve this issue among all parties in the private and public, for-profit and not-for-profit sectors. Although OCLC, Inc. held a series of public hearings and resolved the issue in terms of its member libraries, it placed restrictions on for-profit commercial entities for third party use of records in its data base.1/ In addition, recent findings for other projects have emphasized the need to resolve the issue among all sectors of the library and information service communities. In their report on bibliographic control of microforms, Boss and Marcum stated:

> "The most negative reaction to the idea of compensating microform publishers came from members of the project's own Advisory Committee. Arguments ranged from the view that bibliographic information ought to be free to the difficulty of gaining acceptance of payments tied to individual records. It might set a precedent for royalty payments to libraries. . . . After considerable discussion, it was agreed that annual payments for use of a microform publisher's data base . . . would be the most acceptable solution. The annual license fee could be paid for a tape or for entry of records through the regular utility terminals. The amount of the license fee would presumably reflect the number of records and their potential value to the utility's participants. The cost would then be incorporated into the overall costs for operating the bibliographic utility . . . . Preliminary discussions with the staff at bibliographic utilities other than UTLAS identified strong opposition to developing the detailed reporting mechanism necessary to support this approach."2/

The original forum held by the Network Advisory Committee brought together a small group of people representing the private and public, for-profit and not-for-profit sectors, and it is hoped that the two public hearings will allow even broader participation in an attempt to resolve this issue.

Henriette D. Avram
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Networks & Automation Planning
Library of Congress
December, 1980

NOTES:

1. A key point in the OCLC policy for third-party use is "that there be no restrictions on the use, sharing or sale of OCLC

machine readable records placed upon OCLC, participating library general members of OCLC, or networks contracting with OCLC, with only one exception, namely 'that sale, transfer, gift or conveyance of OCLC machine readable records to for-profit commercial entities for resale, or for permanent use or retention, other than for the sole benefit of OCLC, the participating library or network, be coordinated by OCLC management.'" OCLC Newsletter, no. 128: 1-2 (Mar. 7, 1980).

2. Richard W. Boss and Deanne B. Marcum, Bibliographic Control of Microforms; a Planning Study for the Association of Research Libraries. Final Report. (Washington: Information Systems Consultants, Inc., Oct. 1, 1980). p. 73-74.

EXECUTIVE SUMMARY

At its program session on the ownership and distribution of bibliographic data, the Network Advisory Committee reached certain conclusions and made the following recommendations:

- It concluded that access to bibliographic information must be granted in a way that preserves the economic incentive of those providing the records while at the same time preserving the tradition of wide dissemination of bibliographic information.

- It recommended that a project be undertaken to identify the current and potential creators, modifiers, and possesors of machine-readable bibliographic information to get their endorsement of the results of this meeting, to determine their plans for shared access to bibliographic data, and to determine their requirements for fair compensation or other recognition for their data so that mechanisims for shared access to bibliographic information could be established.

- The Network Advisory Committee recommended that the Library of Congress and the Council on Library Resources (through its Bibliographic Service Development Program) initiate the steps necessary to have this project performed with contractual support over a six-month period.

- Other recommendations included the dissemination of the results of this meeting to the appropriate organizations and encouraging individual advisory committee members to convey the results of this meeting to their constitutents to obtain a broader base of support for this effort.

While this program may have raised more questions than it answered, the effort was deemed successful in bringing together diverse elements within the library and information communitites and facilitating the exploration of several complicated issues. It was hoped that this effort would stimulate further examination and discussion by the library and information communities of the many issues surrounding the ownership, control, and distribution of bibliographic data. This program session can best be characterized as a beginning rather than a conclusion.

INTRODUCTION

In recent years, problems related to the ownership and distribution of machine-readable bibliographic data have surfaced in all segments of the library and information communities. Individual libraries are concerned about the options available to them for preparing, sharing, and gaining access to machine-readable records. These concerns are a result of the continued growth of the bibliographic utilities and their success in establishing and servicing large files of machine-readable bibliographic records. The growth and success of the commercial bibliographic services and data base vendors have resulted in similar concerns in the for-profit sector.

While individual records are created routinely by library staffs and contributed to the utilities as part of long-standing traditions of shared cataloging, the utilities, in turn, provide the hardware, software, staff support, and organizational resources to maintain these records in large files and service the needs of their members for rapid, inexpensive access to large bibliographic files. Although the commercial data base vendors do not generally have "member"-contributed records, they operate in much the same way as the bibliographic utitlites do for their customers.

These developments have resulted in relationships for which precedence and gournd rules do not exist The relationship between a library and a bibliographic utility is not one between a customer and a vendor but more of a partnership. Practical and philosophical problems may occur in these arrangements if an individual library wants to change utilities or if the utility limits access to the records in its files. Some of the problems are obvious: loss of access to an important core of bibliographic records, loss of revenue for the utility, possible reduction in service to other members of the utility, limited flexiblity for the library, loss of independence and autonomy of the library, etc. A vendor/customer relationship obviously exists between the commercial database and bibliographic services vendors and the individual library, but some of the problems mentioned above are also pertinent for them.

It was within this context that the Network Advisory Committee forum operated. The advisory committee attempted to extend the understanding of the issues involving the flow of bibliographic information so that constraints on access by individual users, libraries, and other organizations can be reduced and the quantity and quality of that information can be maintained and even improved.

Many dimensions (e.g., geographic, economic, technical, organizational, or legal) exist for this topic, and it was anticipated that the ensuing discussion would touch on all of them. The underlying

assumption is that unimpeded access to bibliographic material is essential to the unhindered flow of substantive information.

To pursue this topic, the members of the Network Advisory Committee were divided randomly into small work groups of five to six people. Over the course of one and one-half days, the work groups were given a series of assignments and asked to provide reports on these assignments to the entire committee. These efforts resulted in the following: (1) A list of specific issues of concern to the individual groups; (2) an indication as to which of these issues rank as priority concerns for the Network Advisory Committee; (3) a description of the obstacles to action as well as the incentives for change regarding these issues; and (4) ideas for dealing with these issues in the future.

. . . As input to the planning of this program, members of the Network Advisory Committee had been requested to provide ideas and suggestions on the issues related to ownership and distribution of bibliographic data. The responses were synthesized and distributed to the participants before the meeting took place to set the framework for the discussions and to indicate the diversity of views and interests involved.

This original set of issues fell into three main categories: (1) ownership and distribution of bibliographic data; (2) relationships among members of the total information community; and (3) flow of bibliographic data at the international level.

Ownership/Distribution of Bibliographic Data

- What are the existing legal provisions (laws, etc.) for bibliographic files?
- What effect does each of the major processing functions (record generation, record distribution, production of bibliographic products) have on issues of record ownership, copyright, etc.?
- The Library of Congress, though the intellectual owner of records, considers MARC records in the public domain:
  a. Should distribution by sale make these records the property of the pruchaser? What happens when a portion of the record is changed by the purchaser? If an institution inputs a record into a utility, it intellectually owns the record; however, if the institution does not pay for the record, should this be interpreted to mean that since the utility did not charge for use of the system, it (the utility) has paid for the record?
  b. Should the record belong to the utility as well as the inputting institution?

- If a member library uses a record that is already in the data base (i.e., it was converted by another institution) and pays for the record, should the record belong to the second library as well as to the utility?

- Who should own bibliographic data? Should such data be copyrighted? Should a service utitlity behave like a publisher and restrict the use of data taken from the public domain under the copyright law?

- What definitions can be developed to describe ownership?

- What restrictions can be placed on the use of data by the owner?

- Who should have control of software?

- Who should own MARC level records created with federal monies that become part of the data bases run by networks, service utilitites, or institutions which use state funds?

- Should a library have sole authority to release its data for use in another network? Should a fee be charged to reimburse an institution or an agency for input costs, particularly if a large unique collection is involved?

- If a library gives away data it created, should it then have to pay for its use in another network?

- Is the question of exclusive versus non-exclusive license to use the files at the heart of the matter?

- Are different categories of bibliographic records (and files) viewed differently so far as access, copyright?

- Should bibliographic data be viewed differently from other kinds of data or information?

- What economic models for pricing for services/data exchange could be adopted?

- Is it necessary to own the data base a utility is manipulating in order to provide an economically viable service (Bibliographic Retrieval Services, System Development Corporation, Lockheed)?

- How should record file and format affect copyright issues?

- Will videodisc and other possible technological advances make online searching of central data obsolete?

- Is there a demand for all bibliogrpahic data from all bases? Are data duplicated such as to negate the cost and effort involved in combining data? Should there be online acess from one network to another network when the first lacks

required data, thus ending efforts to combine data on different levels?

- If utilities were linked in a computer-to-computer network and a library that is a member of utility A requested a record that happened to reside in the machine-readable files of utility B, does A pay B?

Relationships among Members of the Total Information Community

- Would it be instructive if we received advice from the directors of utilities, user networks, EDUCOM, ARPANET?

- Should we identify (assign?) the roles of various segments of the library/information community?

- What is the role and relationship of commercial data bases such as those belonging to Bowker, Brodart, and Baker and Taylor to the data bases of the library utilities? What is the interest/role of the private sector in the overall issue?

- Do "utilities" have a problem with the exchange of data, and if so, why?

- Economic implications: Information services (producers and vendors) work on a fee-for-service basis whereas libraries are institutionally funded.

  a. How do you birng these two economic systems together?

  b. How does one rationalize fee-for-service for institutions or unit pricing based on usage of utilities?

  c. How does the whole set of activities for the entire network generate enough revenue to pay for the creation, operation, and exchange of data?

- Do companies like Systems Development Corporation, Lockheed, or Bibliographic Retieval Service foresee linking, and what concerns would they have?

- Is there a way for library networks to provide for membership for any or all for-profit libraries?

- Can we identify and describe methods for "merging" library bibliographic files and indexes with those of abstracting and indexing services?

- Can we study the relationship between a "national network," the Bibliographic Service Development Program, and the National Periodicals Center?

Flow of Bibliographic Data at the International Level

- What are the implications of a proprietary approach to bibliographic records for the flow of information internationally?

- How do we extend the economic model concept to organizations outside the United States?

- What are the international problems, especially for Library of Congress, in distributing machine-readable records produced in other countries?

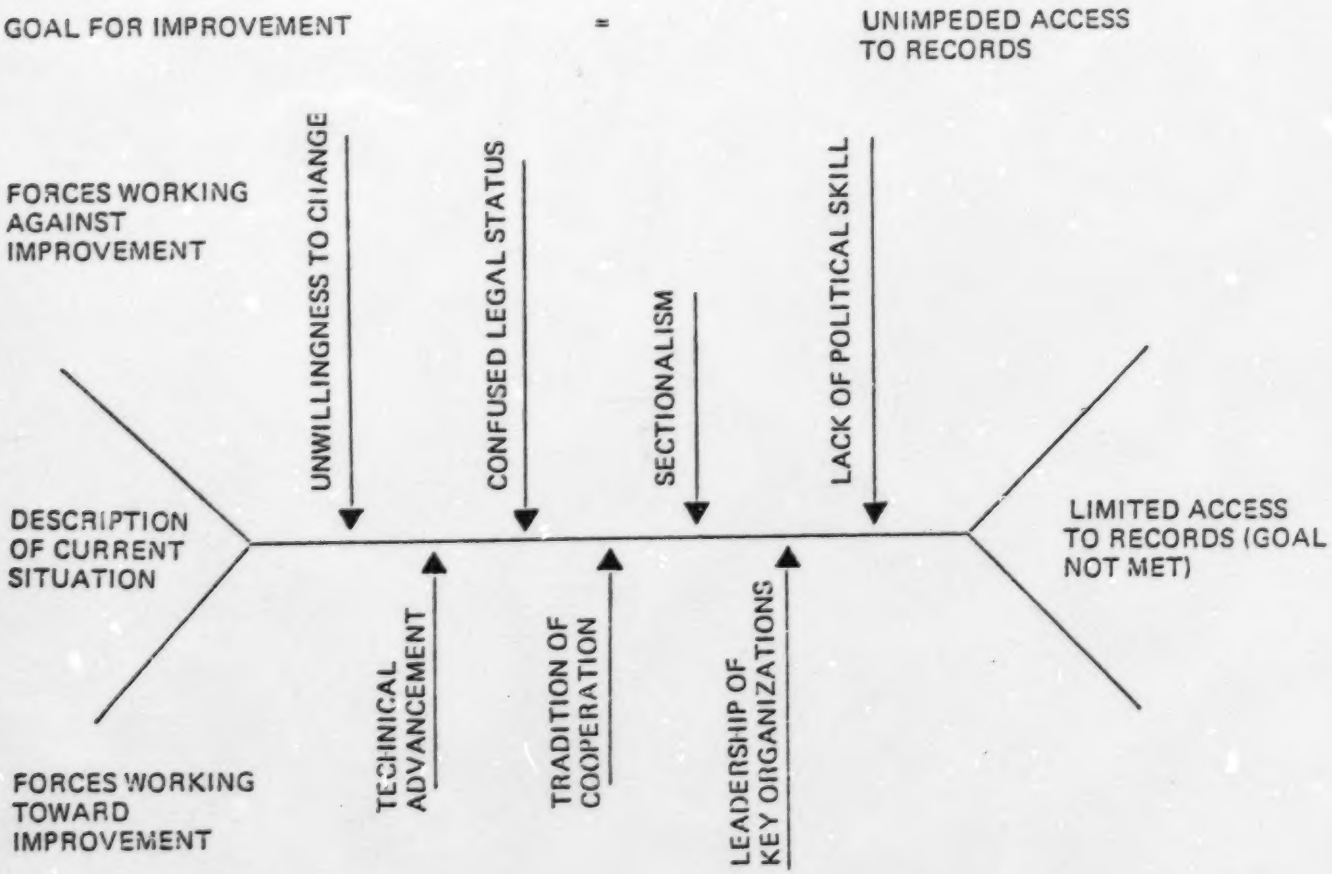
- Can a mutually satisfactory arrangement for exchange of data between networks in the United States and Canada be implemented?

ANALYSIS OF ISSUES

Following these sessions in which the individual work groups identified the issues of concern to their members and reported these issues to the full advisory committee, the work groups focused on specific issues of importance in terms of identifying what needed to be changed and what barriers/obstacles or incentives may be exerting negative/positive forces in working toward these goals. Although there is a certain amount of overlap in the issues discussed, these have been recorded here to maintain the logical train of thought used by each group.

In general, the format for analysis follows the pattern in the example depicted below:

(Example only)



Group 1

Issue(s)/goal: Group 1 concentrated on the issues related to the creation, modification, and distribution of machine-readable bibliographic data.

Approach: An attempt was made to analyze each function in terms of economic, political, and legal aspects, but the group quickly realized that analyzing each function in terms of political impact would result in a mere "laundry list" that would not further the effort. The impediments or incentives that have legal implications exist primarily because of economic aspects. The three functions were analyzed as follows:

- Creation of records: How can one (legally) protect individual items within a data base? How does one protect items within a data base that is not under your control?

- Modification of records: What is involved when there are substantial amounts of information added to the record, thus enhancing the (economic) value of the record? Are there instances when a reduction of the record in terms of the number of data elements included or the complexity of the content designation may actually enhance the value of the record because it is within the reach of hitherto unserved libraries?

- Distribution of records: What are the existing legal mechanisms concerned with the distribution of records? The group identified copyright and patent laws, contractual agreements, or trade (proprietary) information. Nothing new is needed since it is anticipated that contractual agreements would probably solve most upcoming problems.

This group also noted that they defined "bibliographic record" in very narrow terms. The following definitions were taken from A Glossary of Library Networking Terms (Washington: Library of Congress, 1978. Network Planning Paper no. 2):

> Bibliographic record: "A collection of bibliographic data fields treated as one logical entity that describes a specific bibliographic item. See also: cataloging record."
>
> Bigliographic item: "A uniquely identified work or part of a work."
>
> Cataloging record: "A bibliographic record that describes a specific item and relates it to other items described in the file."

Group 2

Issue(s)/goal: This group concentrated on distribution aspects rather than ownership of bibliographic data and, therefore, considered unimpeded flow of bibliographic information a critical goal for a nationwide system.

Approach: In analyzing the current situation, the lack of any short-term or long-term plans for a nationwide system that would provide unimpeded flow of bibliographic data was considered. Specifically, there is no uniform perception of what the system will be, the current and future role of the Library of Congress in the system is not known, a cooperative distribution system does not exist, and the authentication process for bibliographic records is cumbersome. The impediments include:

- The inertia of current institutions or programs and the institutional priorities at the individual organizations.
- Perceived erosion of traditional roles.
- The competitive nature of the bibliographic utilities.

The positive forces in operation include:

- A strong tradition of cooperation and resource sharing.
- A tradition of nationwide bibliographic control.
- Access to materials whenever needed.
- Efforts to minimize costs and duplication in various systems.
- Greater exposure to technology than ever before.
- Larger issues being perceived and taken into consideration rather than taking a parochial or narrow view.
- Increased expectations.

Group 3

Issue(s)/goal: This group concentrated on the concept of ownership, since about twenty of the issues given in the original list dealt with this problem in some way. Their goal was stated in terms of how to achieve an effective balance between (unimpeded) access on the one hand and the economic viability of all the organizations concerned on the other.

Approach: In analyzing the concept of ownership, the group made a distinction between a single citation and an aggregate of citations, the latter being of primary concern. Practical alternatives, such as licensing of contractual agreements, exist although the group felt that the concept of compulsory licensing was a problem.

Group 4

Issue(s)/goal: This group concentrated on a goal to achieve unimpeded access to bibliographic information. Data are needed to determine the effect of uncontrolled use, and it was mentioned that access should not be limited to the source providing the information/records.

Approach: Several factors (e.g., impediments, positive forces, or characteristics) were identified in terms of reaching the goal:

- Policy considerations with regard to the particular organizations involved, the committed positions of these organizations, and funding sources.
- Economic considerations, including price or cost, profit or survivability, dilution of the market or competition, compensation for an organization's efforts, and technical achievement or the availability of technology (e.g., hardware, software, or communications) in terms of the state-of-the-art and what is practical.
- Negative attitudes, including unwillingness to cooperate, fear, unnecessary suplication, lack of vision, provincialism, or unwillingness to take risks.
- Ideological factors.
- Governance.
- Political skill (or lack of it).
- Government control vs. autonomy.
- Conflicting goals.
- Social factors, including status, education, demand, workload, or priority.
- Geographic factors, including parochialism, telecommunications, and language barriers.

Following the analysis sessions, the planning subcommittee compiled a set of six statements representing key points in the discussions:

- Ownership of bibliographic records may have to be defined indifferent terms in the future (e.g., other than through copyright or patent law).
- For machine-readable bibliographic records, ownership could be defined as possession and the ability to control access to those records.

- Access may be governed by contract, license, or royalty.

- Fair compensation for the use of bibliographic records may be a desirable and necessary goal that will require achieving a balance between access to bibliographic information, economic viability, and social goals.

- The lack of mechanisms for the sharing of bibliographic data on a national basis is a situation requiring attention.

Each group subsequently reacted to these summary statements and presented ideas for working toward the goal of unimpeded access and gave some approaches for dealing with the critical problems.

Group 1

This group focused on gaining an understanding of the economic issues involved and developing a mechanism to achieve the goal of unimpeded access. Specific recommendations included:

- The analysis and conclusions of this meeting should be communicated as soon as possible to the creators, users, and holders of machine-readable bibliographic records and to others in the information community. The program planning subcommittee should prepare a report and other summaries to include in the Library of Congress Information Bulletin and other professional journals. In addition, the individual members of the Network Advisory Committee should provide reports to their own constituencies.

- Based on the expertise of the individual members, the Network Advisory Committee should identify the current and potential creators, modifiers, and possessors of machine-readable bibliographic data to get their endorsement of the results of this meeting and to determine their requirements for fair compensation or other recognition and their current and future plans for shared access to bibliographic data.

- The approaches used in solving problems under comparable situations in different industries should be analyzed.

- The task of developing a mechanism to ensure the equitable implementation of shared access in the library and information communities should be undertaken with contractual support (anticipated to be a six-month effort) under the general direction of the Network Advisory Committee. The group noted that a considerable amount of the background work was already done.

- With the completion of the above task, the Network Advisory Committee should secure the understanding, acceptance, and support of the creators, modifiers, possessors, and users of machine-readable bibliographic records for the mechanism developed.

- This group urged that the funding sources support this effort without delay.

Group 2

This group concentrated on the lack of mechanisms for the sharing of bibliographic data on a national basis. The existence of such mechanisms would encourage the development of a national plan to carry out the necessary tasks. Specific recommendations included:

- A group (possibly consisting of library economists and bibliographic and technical experts) should be established to develop long-range plans, keep track of how much progress is being made toward reaching the goals, and work out appropriate strategies to attain the goals.

- It was anticipated that such a group should be separate from any existing organizations/structure to maintain objectivity and independence.

Group 3

This group addressed two of the summary statements concerning ownership and fair compensation. It was noted that the term "unimpeded access" should be defined more precisely; it should not be equated with "free of charge." Specific recommendations included:

- Possession of bibliographic records may not constitute ownership in a legal sense. Access to such records, therefore, may require a new concept of access or control other than ownership to replace or supplement the traditional practice of copyright. For bibliographic records, ownership may be better established by the possession of and the ability to provide access to records. Such access could be governed by contractual arrangements.

- Providing fair compensation or other recognition to the creators, modifiers, and holders of bibliographic records is a desirable and necessary goal. The achievement of this goal requires, in turn, that a balance be effected among the goals of unimpeded access to bibliographic information, the economic viability of the creators, modifiers, and holders of bibliographic information, and the social good.

The group also identified possible mechanisms for facilitating unimpeded access to bibliographic records as follows:

- Creation of a national center to coordinate/manage/store/provide access to bibliogrpahic data bases.

- Creation of a voluntary clearing house for the licensing of data bases.

- Establishment of a law requiring compulsory licensing of data bases or parts thereof when economic incentives were not accepted by those controlling access to the data base.

- Encouraging the federal government to adopt a policy of making all federal bibliographic data bases readily accessible through the National Technical Information Service.

In addition, the Network Advisory Committee should recommend to the funding sources that a study of these and other alternatives should be undertaken, beginning with the convening of representatives from the various stakeholders to discuss the pros and cons of these and other mechanisms.

Group 4

This group focused on access to bibliographic data in terms of levels (of access), access to what, by whom, on what basis, and for what purpose. Access and services are linked closely, and every effort should be made to ensure that one does not limit the other. Two specific problems were noted:

- There is a lack of machine-readable data for major segments of the nationwide data base, e.g., retrospective records or records for items in nonroman languages. Extensive conversion efforts are needed for these subsets.

- There is also a lack of links among the library bibliographic utilities, commercial data bases, publishers' data bases, governmental data bases, lending agencies, abstracting and indexing services, etc. Incentives, such as lower communications costs, legislation/regulation, an expanded market potential, or increased access to services, are needed to promote vouluntary participation of all potential participants in the nationwide network.

STEPS FOR ACTION

At the conclusion of the one and one-half day forum on the ownership and distribution of bibliographic data, the Network Advisory Committee recommended the following course of action:

- The program planning subcommittee should prepare a summary statement for distribution to the entire Network Advisory Committee for its comments and suggestions.

- A press release based on the summary statement should be prepared and disseminated to the appropriate organizations.

- Individual advisory committee members should convey the results of this meeting to their constituencies to obtain their support of this effort.

- The task of developing a mechanism or mechanisms by which unimpeded access is achieved should be undertaken with contractual support under the general direction of a subgoup of the advisory committee, the Library of Congress, the Council on Library Resources, or a combination of any of the above. The Network Advisory Committee is willing to assist in this effort in any way possible.

While these sessions may have raised more questions than they found solutions, the effort was a success in bringing together diverse interests within the library and information communities. There appeared to be a better understanding of what constitutes ownership of bibliographic records, and the question about the ownership of individual bibliographic records may not be as overriding an issue as many have assumed. Possibly more emphasis needs to be placed on guaranteeing access to entire data bases rather than to individual records. The advisory committee concluded that access to bibliographic infromation must be granted in a way that preserves the economic incentive of those providing the records while at the same time preserving the tradition of wide dissemination of bibliographic information. It is hoped that this effort will stimulate further examination and discussion by the library and information communities of the many issues associated with the ownership, control, and distribution of bibliographic data.